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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.293 OF 2005

Mr. Vijay A. Ganatra & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. Bhomi Patel i/b Bhuta & associates for the petitioners.

Mr. S.V. Chauhan i/b Utangale & Co. for respondent 4.

Mr. D.S. Sakhalkar for respondent 7.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 12TH DECEMBER 2005.

P.C.:-

1. We have heard the learned counsel for the parties. Our attention has been drawn to the order dated 27/4/2005 passed by this court under which respondent 4 was to examine the list of original occupants of the building in question and after examining the list of original occupants, respondent 4 was to direct respondent 7 to enter into agreements with all original occupants who are to be now allotted the premises in the reconstructed building.

2. It appears that this order is not yet complied with. We have perused the affidavit of R.H. Telure, Assistant

Town Planner of respondent 4. Paragraph 3 of the said affidavit reads thus :

> "3. I say that the Annexure II / NOC in respect of Dharvi Blalaji Nagar Kamraj Co-op Hsg. Soc. Ltd. has been issued by the Respondent No.2 in the year 1998 for the SRD Scheme. In the said Annexure II / NOC, the Petitioner stood as under:
>
> i) Vijay A. Ganatra - Eligible for commercial unit & residential unit.
>
> ii) Smt. Shantabai A. Ganatra - Eligible for commercial unit.
>
> iii) Kishor A. Ganatra - Eligible for residential unit.
>
> iv) Kumari Minaxi A. Ganatra - Eligible for residential Unit.
>
> v) Amartlal T. Ganatra - Eligible for residential premises."

3. Paragraph 7 of the said affidavit reads thus :

> "I say that therefore, the petitioner are entitled to get 3 commercial and three

residential premises as per eligibility decided by BMC in Annexure II."

4. The above averments indicate that there is no dispute as regards entitlement of the petitioners and Amartlal T. Ganatra, who, we are informed is dead, to the premises as stated in the affidavit. So far as the claim of the petitioners as regards the premises occupied by C. Mani is concerned, their appeal is pending before the Slum Rehabilitation Authority. In view of this affidavit, the learned counsel for respondent 7 states that respondent 7 shall enter into agreements with Vijay A. Ganatra, Smt. Shantabai A. Ganatra, Kishor A. Ganatra and Kum. Minaxi A. Ganatra, as directed by this court in its order dated 27/4/2005. Since Amratlal T. Ganatra is dead, the Slum Rehabilitation Authority shall find out who are his heirs and certify the names of his heirs. The learned counsel for respondent 7 states that once the names of the heirs are certified, respondent 7 shall enter into agreements with them. We are informed that petitioner 1 i.e. Vijay A. Ganatra is holding power of attorney of Smt. Shantabai A. Ganatra, Kishor A. Ganatra and Kum. Minaxi A. Ganatra. Copy of the said power of attorney be handed over to respondent 7. Needless to say that respondent 7 shall, therefore, enter into agreements with Vijay A. Ganatra as per Slum Rehabilitation Authority's sanction plan and eligibility decided by the Slum Rehabilitation Authority. So far as

the appeal pending before the Slum Rehabilitation Authority is concerned, we direct that it be decided within four weeks from today. Petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)